

Amendments to the Drawings:

Applicants have provided replacement drawings for approval in order to correct Examiner's objections.

REMARKS

Review and reconsideration of the application in view of Applicants' amendments and remarks are respectfully requested. Claims 2, 5-7, 9-11, 13-16, 18-20, 22-29, 32, 33, 36, 38-41, 45 and 46 are pending. Claims 2, 5-7, 9-11, 13-16, 18-20, 22-29, 32, 33, 36, 38-41, 45 and 46 have been rejected. Claims 28 and 29 have been objected to.

The drawings have been objected to because the drawings in Figures 7 and 8 filed on October 5, 2001 do not identify the y-axis of the graphs. The Examiner has not entered the replacement drawings as new matter was added on Figures 7 and 8. Applicants have removed the offending matter in Figures 7 and 8 and resubmitted replacement drawing sheets that include identification of the y-axis on Figures 7 and 8.

Claims 2, 5-7, 14, 16, 23, 25-27, 32, 33, 36, 38-41, 45 and 46 have been rejected under 35 USC § 102(e) as anticipated by US 6,692,880.

Claims 9-11, 13, 15, 18-20, 22 and 24 have been rejected under 35 USC § 102(e) as anticipated by US 6,692,880.

Claims 28 and 29 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

Claims 2, 5-7, 14, 16, 23, 25-27, 32, 33, 36, 38-41, 45 and 46 have been rejected under 35 USC § 102(e) as anticipated by Fields' 880, as evidenced by (1) Application '707; (2) The KODAK Material Safety Data Sheet for the product SB77XL DRY, revised on December 8, 2004; (3) ACS File Registry No. 7631-86-9; and (4) Applicants' admission at page 3, lines 13-15, and page 3, line 21 to page 4, line 8, and in Table 1 at page 22 of the specification (Applicants' admission II). Applicants respectfully traverse this rejection.

Applicants have provided a 1.131 Declaration which removes Fields' 880 as a reference, which renders the rejection moot.

Claims 9-11, 13, 15, 18-20, 22 and 24 have been rejected under 35 USC § 102(e) as anticipated by Fields' 880, as evidenced by (1) Application '707; (2) The KODAK Material Safety Data Sheet for the product SB77XL DRY, revised on December 8, 2004; (3) ACS File Registry No. 7631-86-9; and (4) Applicants' admission II. The rejection has been obviated by the 1.131 Declaration.

The Examiner found the previous 1.131 Declaration unpersuasive for the following reasons.

1. The declaration did not state that the date of completion of the instant invention was established in this country or a NAFTA or WTO member country. This has been corrected in Paragraph 7 of the declaration.

2. The previous declaration was not signed by all the inventors. The declaration submitted with this response is signed by all the inventors.

3. The previous declaration did show that the exemplified toner resin comprises silica particles as required by claim 40. This shown in Paragraphs 7 and 8 of the declaration wherein the starting materials are listed. Nalcoag 1060 is colloidal silica which is used in the limited coalescence process to make the toner material SB77XL.

4. The previous declaration does not show that the toner resin comprises colloidal silica as required in claim 32. This is shown in Paragraph 8 of the declaration (see Exhibit B, page 2) wherein the starting materials are listed. Nalcoag 1060 is colloidal silica which is used in the limited coalescence process to make the toner material SB77XL. The colloidal silica is present in an amount of approximately 0.1 weight percent based on the weight of the toner particles.

5. The previous declaration does not show that the toner resin comprises silica in the amount of 0.1 wt % to 0.5 wt % as required in claims 13, 22, 33 and 38. This requirement in the claims is for the surface treatment of the toner particles. Paragraph 9 (Exhibit C) shows silica (R972) as a surface treatment in the amount of 0.15 wt % to 0.5 wt %. The inorganic particles of silica are present in an amount of approximately 0.1 weight percent based on the weight of the toner.

6. The previous declaration does not show that the toner resin comprises colloidal silica that are not in a charged state and are present in an amount of about 0.1 to 0.5 weight percent as required in claim 46. Paragraph 8 shows a toner resin comprising colloidal silica in a uncharged state in an amount of 0.1 weight percent.

7. The previous declaration does not show that the toner resin comprises colloidal silica in the amount of 0.2 wt % to 0.3 wt % as required in claims 14, 15, 23 and 24. Applicants have shown colloidal silica as part of the toner resin in an amount of 0.1 weight percent based on the weight of the toner. Thus, applicants are in possession of independent claims 40 and 46 prior to the date of the Fields reference. The addition of a greater amount of silica to the toner resin is a matter of adjusting the initial reactants.

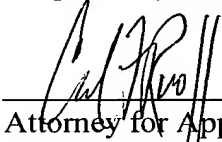
8. The previous declaration does not show that the toner resin is prepared by a limited coalescence reaction as required in claims 9, 13, 18 and 22 and claims 10, 11, 15, 19, 20, and 24. Paragraph 8 of the declaration shows the process used to make the toner which is a limited coalescence process.

9. The previous declaration does not show that the magnetic carrier particles as required in claim 25. This is shown in Exhibit C as the carrier particles are identified as FCX 4664G400 which correspond to strontium ferrite carrier particles.

For at least the reasons set forth above, Applicants submit all of Claims 2, 5-7, 9-11, 13-16, 18-20, 22-29, 32, 33, 36, 38-41, 45 and 46 are in condition for allowance. Prompt and favorable action is respectfully requested.

Should the Examiner require anything further, or have any questions, the Examiner is asked to contact Applicants' undersigned representative.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.